

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DELTA L. EADY,

Plaintiff,

v.

9:05-CV-0824

HARLEY G. LAPPIN, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

DELTA L. EADY
Plaintiff *pro se*

HON. ANDREW M. CUOMO
Attorney General for the State of New York
The Capitol
Albany, NY 12224
Counsel for Defendants

CHARLES E. ROBERTS, ESQ.

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 30th day of September 2009. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.

2. The Defendants' motion to dismiss or for summary judgment (Dkt. No. 79) is granted in part and denied in part. All of Plaintiff's claims are dismissed *except*: (1) the allegations against Defendant Stone in Paragraphs 155-59 of the complaint; (2) the allegations against Defendants Hays and Holts in Paragraphs 56-61 of the complaint; and (3) the allegation against Defendant Miller in Paragraph 242 of the complaint. Defendants are ordered to answer those claims.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: October 21, 2009
Syracuse, New York



Norman A. Mordue
Chief United States District Court Judge